AMENDMENTS TO THE DRAWINGS

Pursuant to 37 C.F.R. § 1.121 the Replacement Sheet of drawings presented in **Attachment A** will replace all prior versions in the application.

Attachment A includes changes to Figure 1. Specifically, handwritten text in Figure 1 was converted to typed text. No new matter has been added.

Attachment A: Replacement Sheet

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of Claims

Claims 1-16 are pending in this application. Claims 1, 3, 4, 5, 8, 12, 14 and 15 have been amended. No new subject matter has been added.

Drawing Objections

The Examiner has objected to the drawings because the text should be typed. Applicants have amended the drawings as directed by the Examiner. Applicants respectfully request reconsideration and withdrawal of these objections.

Claim Rejection under 35 U.S.C. § 101

Claims 8-16 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Examiner contends that claim 8 is directed to software *per se* (Detailed Action, item 6, page 3).

The MPEP states that "computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical 'things.' They are neither computer components nor statutory processes, as they are not 'acts' being performed." (MPEP § 2106 (IV)(B)(1)(a)). However, "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." (MPEP § 2106 (IV)(B)(1)(a)).

Applicants have amended independent claims 8 and 12 to recite a system comprising a computer readable medium encoded with a computer program. Additionally, claims 8 and 12 have been amended to recite various computer hardware elements. Therefore, independent claims 8 and 12 clearly recite a "computer program recited in conjunction with a physical structure," and should thus be treated as statutory product claims under MPEP § 2106(IV)(B)(2)(a).

Claims 9-11 depend from claim 8, and claims 13-16 depend from claim 12. Applicants respectfully submit that by virtue of their dependency from their respective base claims, claims 9-11 and 13-16 are directed to statutory subject matter.

Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejection under 35 U.S.C. § 102

Claims 1-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Application Publication No. WO 01/86446 to Kessner ("Kessner").

The claimed invention is directed to a system and method for facilitating network communications from one or more independent execution threads by using a "worker thread model for processing the communication requests" generated by the independent execution threads (Specification, page 4, line 6). Claim 1, as amended, recites "one or more independent execution threads" which store "request object[s] describing a request for a network operation" in a data structure, and a dedicated worker thread which accesses the data structure and is "configured to process the network operation[s] described by the request object[s]." Thus, the dedicated worker thread is configured to process the communication requests generated by the independent execution threads and stored as request objects in the data structure.

Applicants respectfully submit that Kessner does not disclose the dedicated worker thread model recited by the claimed invention. Kessner is directed to a load testing system for testing a website that "runs several virtual users on one or more clients to simulate user interactions with the server." (Kessner, Abstract). Kessner states that "each virtual user thread itself establishes and supports multiple connections to the website." (Kessner, Abstract). Thus, each virtual user thread of Kessner processes its own communications rather than utilizing a dedicated worker thread configured to process the communication requests of the execution threads, as recited by claim 1.

The specific embodiments described by Kessner also emphasize that each virtual user thread processes its own communication requests. In Figure 5, Kessner describes a "Vuser thread 112" that "**itself** supports two or more connections 202 to a server computer 122". (Kessner, page 7, lines 14-15 (emphasis added)). Further, in Figure 6, Kessner discloses "supporting multiple simultaneous connections between a client computer and one or more servers within a single thread." (Kessner, page 7, lines 22-23). At steps 606-612 of Kessner, each virtual user thread processes and monitors communication requests generated by itself in step 604 (page 7, line 35 - page 8, line 16).

Thus, in contrast to the claimed invention, Kessner does not disclose "facilitating network communications from one or more independent execution threads," by "storing a request object . . . in a data structure, the request object describing a request for a network operation," and "retrieving the request object from the data structure by a dedicated worker thread… configured to process the network operation described by the request object," as recited by claim 1. The communication requests generated by the independent execution threads of claim 1 are processed by the dedicated worker thread as opposed to the independent execution threads themselves.

For at least the reasons discussed above, Applicants submit that Kessner neither discloses nor suggests each and every feature recited by claim 1. Therefore, Kessner does not anticipate claim 1.

Claims 2-7 depend from claim 1. Applicants respectfully submit that, for at least the reasons discussed above with respect to claim 1, claims 2-7 are patentable over Kessner.

Claims 8-16 are rejected by the Examiner as system claims of claims 1-7 (Detailed Action, item 15, page 5). Independent claims 8 and 12 recite features similar to those discussed above demonstrated to be missing from Kessner with respect to claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, Applicants submit that claims 8-16 are patentable over Kessner.

Applicants respectfully request reconsideration and withdrawal of these rejections.

CONCLUSION

Each and every point raised in the Office Action dated March 2, 2007 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-16 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By
Kevin J. Beach
Registration No.: 60,422
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant